

REMARKS

This amendment, submitted in response to the Office Action dated September 10, 2003, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested. The claims have been amended for improved conformity to US practice and improved clarity. The claim amendments are not being made to overcome the prior art rejections, and are not necessary to overcome the prior art rejections, as will become apparent from the discussion below.

As a preliminary matter, the Examiner has objected to the specification stating that the specification fails to contain section headings. A Preliminary Amendment filed on July 16, 2001 corrected the specification to include section headings. It is believed that the specification is in proper form.

Claims 1-13 are now pending in the present application. Claims 1-4 and 7 are rejected under 35 U.S.C. § 102(e) as being anticipated by Doviak *et al.* (U.S. Patent 6,418,324). Claims 5 and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Doviak as applied to claim 1 above, and further in view of well known prior art at the time of the invention. Applicant submits the following in traversal of the rejections.

Rejection of claims 1-4, and 7 under §102 as being anticipated by Doviak

Doviak describes a system and method for routing data. See Doviak claim 1. Various devices are connected in wired and wireless networks. Certain networks are more preferable in transmitting data depending on the type of data being transmitted. Often, the protocol for one network may not be compatible with the protocol of another network, therefore, Doviak provides

a means for acquiring an appropriate protocol for a desired network by using a router. See abstract.

Based upon this brief description, it does not appear that Doviak teaches the features of the claimed invention, as further explained below.

Claim 1

The Examiner maintains Doviak teaches a downstream radio access system for setting up a link to a base transceiver station of a public mobile telephone network and an upstream radio access system for setting up a link to a mobile telephone of the private network, as described in claim 1, citing col. 33, lines 14-32 in support. The respective column and lines cited by the Examiner describe a Network Interface 214 which provides connections to various types of networks. The various types of networks are then listed.

As an initial matter, if Applicant has incorrectly interpreted the Examiner arguments, Applicant respectfully requests that any subsequent Office Action be made on a non-final basis due to the ambiguity of the Examiner's arguments.

Applicant submits that it is unclear as to what the Examiner is citing for teaching the public mobile telephone network and private network of claim 1. Applicant can only hypothesize as to which of the listed networks the Examiner is referring to for teaching the public mobile telephone network and private network of claim 1.

Assuming *arguendo*, the listed networks describe the public mobile telephone network and private network of claim 1, it is unclear what the Examiner is referring to for teaching a

downstream radio access system for setting up a link to a base transceiver station and an upstream radio system for setting up a link to a mobile telephone of the private network since col. 33, lines 14-32 was again generally cited.

Assuming *arguendo*, the Examiner is referring to Network Interface 214A-D for teaching the downstream and upstream system of the present invention, there is no indication that a Network Interface 214A-D sets up a link to a base transceiver station of a public mobile telephone network. Nor is there any indication that a Network Interface 214A-D sets up a link to a mobile telephone of a private network. In order to support an anticipation rejection, the Examiner must establish that all of the claimed elements are taught in Doviak. Furthermore, in establishing an anticipation rejection, the identical invention must be shown in as complete detail as is contained in the claim. MPEP 2131. Since the Examiner has failed to clearly establish a downstream radio access system, an upstream radio access system and their respective relationships to a public mobile telephone network and a private network, claim 1 should be deemed patentable.

Claim 1 further requires that the upstream system and the downstream system apply the same mobile telephone standard which is that of the public mobile telephone network. The Examiner cites Doviak col. 32, lines 45 to column 33, line 32 for teaching these elements of claim 1. It is unclear as to what mobile telephone standard is applied to the Network Interface 214A-D. There does not appear to be any indication that the Network Interface applies the same mobile telephone standard which is that of the public mobile telephone network and the Examiner has not established otherwise.

Claim 1 further requires a service signal converter module between the upstream system and the downstream system adapted to repeat signals it received from the upstream and downstream systems and adapt them to suit the characteristics of the downstream and upstream link respectively. The Examiner cites column 33, lines 14-56 for teaching this feature. Again, it is unclear as to what the Examiner is citing for teaching a signal converter module. It appears the Examiner is referring to a translation device which is provided in each Network Interface to translate between IP and the particular network protocol (see column 33, lines 35-37) for teaching the signal converter module of claim 1.

There is no indication that the translation device is between the upstream and downstream system (Network Interface), as cited by the Examiner. The translation device is provided in each Network Interface. There is no indication it is provided between and upstream system and a downstream system. See Fig. 30.

Assuming *arguendo*, the Examiner is referring to the router 20 for teaching the signal converter module of claim 1, router 20 merely routes information to an appropriate location. Router 20 is a device with multiple connections to the networks through which data is to be routed. Column 33, lines 43-46. The router does not repeat signals received from an upstream and downstream system, nor does it adapt the signals to suit the characteristics of the upstream and downstream link.

Assuming *arguendo*, the Examiner is referring to User Configuration Interface 208 for teaching the converter module of claim 1, User Configuration Interface 208 accepts information such as a preferred route and network node addresses which are stored in memory and accessed

by router components. User Configuration Interface 208 does not repeat signals received from an upstream and downstream system, nor does it adapt the signals to suit the characteristics of the upstream and downstream link. Therefore, the Examiner has not established that Doviak teaches the signal converter module of claim 1.

Claim 1 further describes extracting from the signaling information specific to the mobile telephones belonging to the private network and used to manage calls between the terminals of the private network and store that information in a local database, which the Examiner states is described in col. 36, lines 65 to column 37, line 13. The respective columns and lines cited by the Examiner describe a router 200. The router 200 decides what channels should be used for data transport. A current channel is initially set, then a next channel is retrieved from a database. The database contains configuration information for each channel including how each channel is set up and the configuration values.

The router 200 does not extract from the signaling information specific to the mobile telephones. The router 200 selects which channels should be used for data transport according to the information stored in the database. The router does not extract information specific to the mobile telephones nor does it *store* information in a local database. The router *retrieves* information from a database.

For the above reasons, claim 1 should be deemed patentable. Claims 2-7 should be deemed patentable by virtue of their dependency to claim 1.

Claims 2 and 3

Claim 2 describes that the downstream system comprises means for simulating mobile terminal links. Claim 3 describes that the upstream system comprises means for simulating base transceiver station links. The Examiner generally cites to Fig. 1, and col. 33, lines 14-41 for teaching the features of claims 2 and 3. The respective column and lines cited by the Examiner describe a Network Interface 214 and its connections to various kinds of networks. A translation device is also described which is provided in each Network Interface and translates between IP and the particular network protocol. It does not appear that means for simulating mobile terminal links and means for simulating base transceiver links are described. Therefore, claims 2 and 3 should be deemed patentable.

Applicant respectfully requests that the Examiner more specifically identify what is being referred to for teaching an upstream system and a downstream system, where Doviak teaches a downstream system that comprises means for simulating mobile terminal links and where Doviak teaches an upstream system that comprises means for simulating base transceiver station links.

Claim 4

Claim 4 describes that the downstream system comprises a plurality of modules for identifying public mobile telephone network users and that the converter module comprises means for choosing one or more identification modules. The Examiner's reasoning for rejecting claim 4 is deficient for the same reasons indicated above. It is unclear what the examiner is referring to for teaching a downstream system. Furthermore, it is unclear as to what the

Examiner is citing for teaching a plurality of modules and identification modules. The burden of establishing anticipation is upon the Examiner. It does not appear that the features of claim 4 are taught in Doviak and the Examiner has not established otherwise. Therefore, claim 4 should be deemed patentable.

Claim 7

Claim 7 describes that the upstream system comprises means for connecting to a landline telephone. The Examiner again cites col. 33, lines 14-32, however there does not appear to be a description of a landline telephone. All that is described are different kinds of networks to which the Network Interface can be connected. Since the Examiner has not established that all of the elements of claim 7 are taught in the prior art, claim 7 should be deemed patentable.

***Rejection of claims 5 and 6 under §103 as being unpatentable
over Doviak and prior art***

Claim 5-6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Doviak as applied to claim 1 above, and further in view of well known prior art at the time of the invention. The Examiner concedes that Doviak does not teach modules controlled in accordance with criterion related to a user contract and whether the device can detect that the user of a mobile telephone terminal has a contract with the GSM public network and for carrying out transfer without using any of the subscriber resources of the downstream system. The Examiner takes Official Notice that it would have been obvious to place the above parameters and method to Doviak's device with little effort stating that the addition of these functionalities and user profile

parameters would have allowed the user of the device to be better suited to operate on a GSM system instead of operating in the generic manner that is currently described.

Applicant submits that when an Examiner takes Official Notice concrete evidence must be in the record to support these findings. MPEP 2144.03. The Examiner's personal reasoning in view of the present invention is not concrete evidence. Furthermore, Applicant is traversing the Examiner's assertion of Official Notice, therefore the Examiner *must* provide documentary evidence in the next Office Action if the rejection is to be maintained. *Id.*

Applicant has added claims 8 to 12 to provide a more varied scope of protection. Since claims 8-12 are dependent upon claim 1, they should be deemed patentable for the reasons indicated above.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
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